

Applicant: Falone et al.
Application No.: 10/659,560

REMARKS

Claims 3-8 are currently pending in this application. Claims 1 and 2 have been cancelled and claims 3, 4, and 6 have been amended into independent form to include each of the elements of their respective independent claim. The scope of claims 3, 4, and 6 has not been changed.

No new matter is added to the application by this amendment.

COMMUNICATION WITH EXAMINER

During a May 19, 2004 telephone communication between Examiner Graham and Ruy Garcia-Zamor the status of claims 3-8 were discussed. Examiner Graham stated that claims 3-8 were not rejected over prior art because they would be allowable once the non-statutory double patenting rejections were overcome. Applicants thank Examiner Graham for the courtesies extended during the telephone communication.

NON-STATUTORY DOUBLE PATENTING REJECTIONS

Claims 1-8 have been rejected based on obviousness-type double patenting based on a prior patent and have been provisionally rejected based on obviousness-type double patenting based on copending applications. Applicants respectfully submit that the rejections of claims 1 and 2 are moot due to cancellation of those claims. Enclosed

Applicant: Falone et al.
Application No.: 10/659,560

herewith are two separate terminal disclaimers. One terminal disclaimer is directed to the prior patent and the second terminal disclaimer is directed to the copending applications.

In view of the two terminal disclaimers submitted herewith, Applicants respectfully request that the Examiner reconsider and withdraw the provisional and non provisional non-obvious double patenting rejections of claims 3-8.

CLAIM REJECTIONS

Claims 1 and 2 have been rejected based on prior art. Applicant respectfully submits that the rejections of claims 1 and 2 are moot due to cancellation of those claims. Applicants respectfully request that the Examiner reconsider and withdraw the rejections of claims 1 and 2, in view of their cancellation.

INVITATION

If the examiner believes that any additional matters need to be addressed to place this application in condition for allowance, the examiner is respectfully invited to contact the undersigned, by telephone, at the examiner's convenience.


Applicant: Falone et al.
Application No.: 10/659,560

CONCLUSION

In view of the foregoing amendment and remarks, Applicants respectfully submit that the present application, including claims 3-8, is in condition for allowance and a notice to that effect is respectfully solicited.

Respectfully submitted,

Falone et al.

By 
Ruy M. Garcia-Zamor
Registration No. 44,117
(215) 568-6400

Volpe and Koenig, P.C.
United Plaza, Suite 1600
30 South 17th Street
Philadelphia, PA 19103

RGZ